

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RORY B. HORN,

Plaintiff,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Case No. 1:12-cv-5

Judge Mattice

Magistrate Judge Carter

ORDER

On March 1, 2012, United States Magistrate Judge William B. Mitchell Carter filed his Report and Recommendation, in which he recommended that this action be dismissed with prejudice and that Plaintiff's application to proceed *in forma pauperis* (Doc. 1) be denied as moot. (Doc. 4). Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (*Id.* at 3 n.1); see 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Plaintiff did not object to the Magistrate Judge's Report and Recommendation.

The Court has reviewed Plaintiff's application to proceed *in forma pauperis* and the record, and it agrees with Magistrate Judge Carter's conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations. This action is hereby **DISMISSED**

WITH PREJUDICE, and Plaintiff's application to proceed *in forma pauperis* (Doc. 1) is
DENIED AS MOOT.

The Clerk shall close this case.

SO ORDERED this 3rd day of April, 2012.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE